IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 80 OF 1999

Sambhaji R. Gaikwad ...Petitioner

Versus

Mr.K. Narayanan, Proprietor,
M/s. Vijay Engineering Works ...Respondents

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Mr. P.M. Mokashi, counsel for Petitioner

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CORAM: B. H. MARLAPALLE, J.

DATED: 23RD FEBRUARY, 2005

P. C.:-

1. The Industrial Court at Mumbai by its order dated 9.3.1998, filed below application at Exh.U-2 in Complaint (ULP) No.789 of 99, had directed the respondent company to deposit an amount of backwages with bonus and leave with wages within a period of one month and it is alleged that the company did not deposit the amount within the stipulated period and subsequently furnished an undertaking on 27.4.98. Even the undertaking was breached and, therefore, this contempt petition has been filed.

2. The respondent No.1 has filed an affidavit in reply and stated that out of the total amount of Rs.75,855/- to be deposited with the Industrial

Court, an amount of Rs.70,000/- has already been deposited but in installments. If there is any balance amount due to be deposited, the petitioner has an appropriate remedy before the Industrial Court, more so, because the complaint is still pending for final decision.

3. The learned counsel for the petitioner, therefore, seeks leave to withdraw this petition. Leave granted. The contempt petition is dismissed as withdrawn but without prejudice to the petitioner’s rights to apply for suitable orders before the Industrial Court in the pending complaint. Rule discharged.